

AO 121 (Rev. 06/16)

TO: Register of Copyrights U.S. Copyright Office 101 Independence Ave. S.E. Washington, D.C. 20559-6000	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT
---	---

In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> APPEAL		COURT NAME AND LOCATION U.S. District Court for the Southern District of New York 500 Pearl Street New York, NY 10007-1312
DOCKET NO. 1:21-cv-07957	DATE FILED 9/24/2021	
PLAINTIFF MARVEL CHARACTERS, INC.		DEFENDANT PATRICK S. DITKO, in his capacity as Administrator of the Estate of Stephen J. Ditko
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OR WORK
1 B976775	Amazing Fantasy, Vol. 1, Issue 15	Marvel Characters, Inc.
2 B12112	Amazing Spider-Man, Vol. 1, Issue 1	Marvel Characters, Inc.
3 B22020	Amazing Spider-Man, Vol. 1, Issue 2	Marvel Characters, Inc.
4 B32700	Amazing Spider-Man, Vol. 1, Issue 3	Marvel Characters, Inc.
5	SEE ATTACHMENT FOR ADDITIONAL WORKS	

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK	
1			
2			
3			

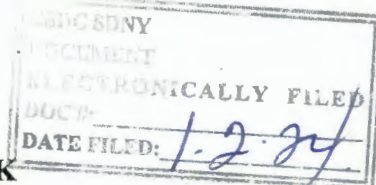
In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED <input checked="" type="checkbox"/> Order <input type="checkbox"/> Judgment	WRITTEN OPINION ATTACHED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DATE RENDERED 1/2/24
CLERK Ruby J. Krajick	(BY) DEPUTY CLERK Yadira Vargas	DATE 1/2/24

DISTRIBUTION:

1) Upon initiation of action, mail copy to Register of Copyrights 2) Upon filing of document adding copyright(s), mail copy to Register of Copyrights 3) Upon termination of action, mail copy to Register of Copyrights

4) In the event of an appeal, forward copy to Appellate Court 5) Case File Copy



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as
Executor of the Estate of Stephen J. Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as
Executor of the Estate of Stephen J. Ditko,

Counterclaimant,

v.

MARVEL CHARACTERS, INC., and DOES
1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-07957-LAK

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR
DISMISSAL WITH PREJUDICE**

Hon. Lewis A. Kaplan

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counterclaim-Defendant Marvel Characters, Inc., on the one hand, and Defendant and Counterclaimant Patrick S. Ditko, on the other, by and through their undersigned counsel, hereby stipulate that this action and all claims, including all counterclaims, and defenses asserted therein, be dismissed with prejudice, with each party bearing its own attorneys' fees, costs, and expenses.

Dated: December 22, 2023

O'MELVENY & MYERS LLP

By: 

Daniel M. Petrocelli

Daniel M. Petrocelli*
dpetrocelli@omm.com
Molly M. Lens
mlens@omm.com
Matthew Kaiser*
mkaiser@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779

Allen Burton
aburton@omm.com
Danielle Feuer
dfeuer@omm.com
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

* Admitted pro hac vice

Attorneys for Marvel Characters, Inc.

Dated: December 20, 2023

TOBEROFF & ASSOCIATES, P.C.

By: 

Marc Toberoff

Marc Toberoff
mtoberoff@toberoffandassociates.com
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Attorneys for Patrick S. Ditko

SO ORDERED:

DATED:  , 2024

BY: 

Hon. Lewis A. Kaplan
United States District Judge